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OIP.026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Youichi Sakakibara et al.

Group Art Unit: 2874

Serial No.: 10/507,108

Examiner: E. Kim

Filed: September 10, 2004

Confirm. No.: 4176

FOR: OPTICAL TRANSMISSION MEDIUM

LETTER REQUESTING NEW OFFICE ACTION

U.S. Patent and Trademark Office
Customer Window, **Mail Stop Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Date: September 23, 2005

Sir:

Applicants respectfully submit that the current Office Action dated September 7, 2005, received in connection with the above identified application, is incomplete and thus improper. **Applicants respectfully request that the current Office Action dated September 7, 2005, be vacated, and that a new Office Action be prepared and made of record.**

Enclosed is a copy of a Preliminary Amendment dated September 10, 2004, filed along with the present application. Also enclosed is a copy of a dated, stamped postcard receipt, provided as evidence that the Preliminary Amendment was received by the U.S. Patent Office.

In the Preliminary Amendment, claims 4-7 were amended. Also, new claims 8-

15 were presented by way of the Preliminary Amendment. **However, in the current Office Action dated September 7, 2005, only original claims 1-7 were examined, without consideration of the above noted Preliminary Amendment filed along with the present application on September 10, 2004.**

During the course of a telephone interview conducted on September 21, 2005, Examiner Kim acknowledged that the current Office Action dated September 7, 2005, was inadvertently prepared without consideration of the Preliminary Amendment filed on September 10, 2004. Examiner Kim further confirmed that the current Office Action dated September 7, 2005, would be vacated, and that a new Office Action would be prepared and made of record responsive to the Preliminary Amendment filed on September 10, 2004.

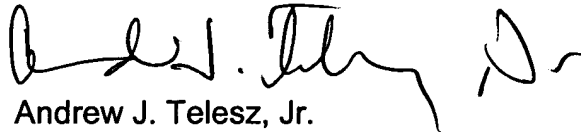
Accordingly, favorable consideration and prompt preparation of a new Office Action are respectfully requested in connection with the above identified application.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (571) 283-0720 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

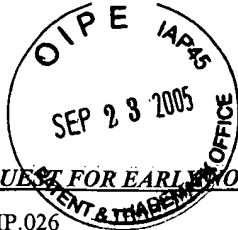
VOLENTINE FRANCO & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read "A. J. Telesz, Jr.", with a stylized flourish at the end.

Andrew J. Telesz, Jr.
Registration No. 33,581

11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (571) 283-0720
Facsimile No.: (571) 293-0740

Enclosures: Copy of Preliminary Amendment dated September 10, 2004
Copy of dated, stamped postcard receipt



REQUEST FOR EARLY NOTIFICATION OF SERIAL NUMBER

Attorney Docket No.: OIP.026

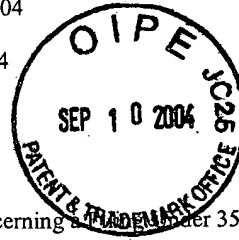
Applicant: Youichi SAKAKIBARA et al.

DUE DATE: November 15, 2004

Serial No.: NEW

Filing Date: September 10, 2004

Title: OPTICAL TRANSMISSION MEDIUM



RECEIPT OF THE FOLLOWING PAPERS IS ACKNOWLEDGED:

- Transmittal Letter to the United States Designated/Elected Office Concerning U.S.C. 371
- Change of Correspondence Address
- Preliminary Amendment
- Translation of International Application (specification, claims, abstract, 1 sheet of drawing for Figs. 1 and 2)
- Declaration & Power of Attorney
- Recordation Form Cover Sheet and Assignment
- Transmittal of Information Disclosure Statement, PTO-1449 Form, International Search Report and 2 references
- \$960 Filing Fee (\$920 Filing Fee, \$40 Assignment Fee)

Date: September 10, 2004

Attorney: ACV

Check No. 11718